IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14511 of 2004

Between:

Banutha Raju, S/o Raju,
R/o 9-1-136, Bhagath Nagar, Karimnagar, Karimnagar District

..... PETITIONER

AND

1 The A.P.State Road Transport Corporation, rep.by its Managing Director, Musheerabad, Hyderabad
2 The Depot Manager, APSRTC Korutla Bus Depot, Karimnagar District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of a Writ of Mandamus declaring the order passed by the 2nd respondent in proceedings No.01/583(2)/2004-KRTL, dated 07-05-2004, deleting the Petitioner's name from the select list as illegal, unjust, amounts to an act of victimization and unfair labour practice and also violative of Article 14,16 and 21 of the Constitution of India and pass such other order or orders as the Hon'ble Court may deem fit and proper under the circumstances of the case.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: SMT.G.JYOTHI KIRAN

The Court at the stage of admission, made the following :

ORAL ORDER

The petitioner worked as a Driver from the year 1998. The petitioner alleges that his name was deleted from the approved list of selected candidates on the ground that he unauthorizedly remained absent for two days by participating in the strike on 15th and 16th ,April,2004. Subsequently, a show cause notice was issued on 17-04-2004 calling for his explanation. The petitioner submitted his explanation to the said show cause notice explaining the reasons for his absence. The petitioner contends that without considering the explanation submitted by him and without giving him an opportunity, the second respondent passed the impugned order on 07-05-2004 removing his name from the approved list of candidates.

The learned counsel for the petitioner submitted that the question involved for adjudication in this Writ petition is squarely covered by a decision of this Court in the case of A. HEMA LATHA Vs. A.P.S.R.T.C. (W.P.No.401 of 2000, dated 22-06-2000), wherein this Court held as follows::

> " therefore, it was imperative for the respondents to conduct an inquiry. It is also contended by the learned counsel for the respondents that the Corporation Rules do not contemplate an inquiry with respect to daily wageworkers. That might be so, but it is against the rules of natural justice to punish a person by creating a stigma for her, which would hurt her through out her life, without even conducting an inquiry. Since inquiry has not been conducted and an order has been passed which creates a stigma, therefore, the order cannot sustain."

In the case on hand, no inquiry was conducted by the second respondent before inflicting the punishment upon the petitioner through the impugned order.

In view of the above decision and in view of the circumstances explained by the petitioner, the writ petition is allowed setting aside the proceedings of the second

respondent dated 07-05-2004 and the name of the petitioner shall be restored in the selection list of Drivers. The second respondent is at liberty to proceed against the petitioner by way of any disciplinary action if it so pleases and pass appropriate orders accordingly. No order as to costs.

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17TH AUGUST 2004

*TSNR

TO

1 The A.P. State Road Transport Corporation, rep.by its Managing Director, Musheerabad, Hyderabad
2 The Depot Manager, APSRTC Korutla Bus Depot, Karimnagar District

3 Two C.D.Copies